

# SENATE BILL REPORT

## SB 5752

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As of February 5, 2009

**Title:** An act relating to cost recovery in disciplinary proceedings involving dentists.

**Brief Description:** Regarding cost recovery in disciplinary proceedings involving dentists.

**Sponsors:** Senators Marr, Pflug, Hobbs and Keiser.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/05/09.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Edith Rice (786-7444)

**Background:** The Dental Quality Assurance Commission (DQAC) was established to regulate the competency and quality of professional dentist health care providers by establishing, monitoring, and enforcing qualification for licensure, continuing education, consistent standards of practice, continuing competency mechanisms, and discipline. The administrative expenses of every health care profession including dentists are paid for by that profession's licensing fees. Disciplinary action accounts for approximately 85 percent of the administrative expenses of the commission. Expenses incurred for disciplinary activities include investigations and legal analysis, board member time, outside experts, Attorney General advice and prosecution, records collection and reproduction, staff attorneys, health law judges, and hearing room rentals. Factors which impact the licensing fee amount for a health profession are the number of members in the licensed profession and the level and complexity of disciplinary activity.

**Summary of Bill:** When DQAC sanctions or fines a dentist in a disciplinary hearing, the commission must assess a partial recovery hearing fee in the amount of \$6,000 for each full day hearing. It must also assess a partial recovery of investigative and hearing preparation expenses up to \$10,000. The commission can waive the hearing fee if its imposition would cause an undue hardship for the dentist or it would be manifestly unjust. In the event a dentist pursues judicial review at the superior court, appellate court, or Supreme Court level, a partial cost recovery fee of \$25,000 must be assessed at each level of review. The reviewing court is permitted to waive the hearing fee for undue hardship or manifest injustice. A partial recovery fee is limited to \$2,000 if the disciplinary action is resolved through a stipulated informal disposition.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

All fees are to be deposited in that portion of the health professions account allocated to the commission.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Licensing fees collected from dentists are supposed to pay for all the administrative expenses of running the commission. A driver of the costs is the complexity of the disciplinary actions taken. Washington State has the highest license fees in the U.S. More dentists are appealing disciplinary cases when they are sanctioned. This bill would allow some of those expenses to be recovered and would be deposited with the DQAC account.

**Persons Testifying:** PRO: Linda Hull, Washington State Dental Association.